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August 15, 2007

Via Facsimile Only

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Chairman Ross Johnson & Commission Members
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Re: August 16, 2007 Commission Meeting
Comment on Agenda Item No. 16 – Adoption of Proposed Regulation 18466

Dear Chairman Johnson and Commissioners:

This law firm is legal counsel to the POPA, Inc. d/b/a Los Angeles County Professional Peace Officers Association (PPOA) and the Los Angeles County Firefighters Local 1014, IAFF, AFL-CIO (Local 1014) (collectively, Committees). PPOA is an employee organization representing over 5,000 employees of Los Angeles County employed in the Sheriff's Department, Office of Public Safety, Office of the District Attorney and in other public-safety related positions. PPOA sponsors a general purpose recipient committee and a committee dedicated solely to ballot measures. Local 1014 is an employee organization representing over 3,000 members of the Los Angeles County Fire Department. It also has sponsored political committees.

While the Committees generally support the issuance of a regulation providing greater guidance as to what is, and is not, covered by Government Code Section 84204.5, the Committees believe that the proposed regulation sweeps too broadly and imposes additional reporting requirements beyond those required by the statute. For this reason, the Committees join in the objections to Section (b) of the proposed regulation set forth in the comment letter submitted by Rebecca J. Olson, dated April 24, 2007. In addition, the Committees object to Section (a)(2)(B) of the proposed regulation because by requiring a donor committee to make a supplemental report even when the donor committee has no knowledge of the use to be made of its contribution, it expands—without any statutory basis for doing so—the scope of the statute, which requires a report only when the purpose of the contribution is “to support or oppose passage of a single ballot measure.” Thus, in the Committees’ view, Sections (a)(1), (a)(2)(A), (a)(3) and the exceptions in Section (c) fully implement the statutory language and nothing further is required or authorized.



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That said, in the event the Commission should choose to adopt the requirements outlined in Sections (a)(2)(B) and (b) of the proposed regulation, the Committees believe that these provisions are in need of further refinement and recommend the following revisions.

(1) With respect to Section (a)(2)(B), the proposed regulation imposes on donor committees an obligation to investigate the activities of the committee to which a contribution is made. If such a duty is to be imposed, its scope should be clearly spelled out. Further, the duty should be as readily achievable as possible. For this reason, the Committees believe that the duty to investigate should be fully discharged by resort to publicly available data. Thus, they suggest the following change to proposed Section (a)(2)(B):

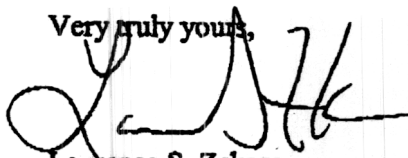
"(B) The receiving committee has reported contributions or expenditures exceeding \$100,000 in the past twelve months to support or oppose the qualification or passage of a single state ballot measure, and the election for the measure has not yet been held, and the receiving committee's reports showing the more than \$100,000 in contributions or expenditures in the past twelve months are available online on the Secretary of State's database as of the applicable reporting deadline under Government Code Section 84204.5. However, if the donor knows the contributions are not to support or oppose the qualification or passage of a state ballot measure, no report is required under this paragraph (a)(2)."

(2) As drafted, Section paragraph (b) is less clear than it should be. Accordingly, if this provision is to be adopted, the Committees suggest the following nonsubstantive change:

"(b) Reporting Threshold for Committees Supporting Multiple State Measures on the Same Ballot. ~~A report is required under paragraphs (a)(1) or (a)(2)~~ When a committee makes contributions totaling five thousand dollars (\$5,000) or more to a committee supporting or opposing multiple state measures on the same ballot, and a report is required under paragraphs (a)(1) or (a)(2), the donor committee shall file a report, unless before the deadline for filing the report under Government Code Section 84204.5 the donor has received a written notice from the committee receiving the contribution stating how the money will be apportioned and demonstrating that five thousand dollars (\$5,000) or more will not be spent on a single state measure."

Thank you for your consideration of these comments.

Very truly yours,



Laurence S. Zakson
of REICH, ADELL & CVITAN